

### **REMARKS**

In the May 20, 2005 office action, the Examiner asserted that the oath or declaration was defective, on grounds that "Applicant #2 and #3 have not signed the Oath.

In addition, claims 1-20 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserted that "the specification does not (sic) clear support or detail how the speakers are disposed within on in the window. Clarification and correction are required."

#### **Signed Oath or Declaration**

Applicants traverse the Examiner's assertion that all required Oaths/Declarations have not been submitted.

Attached as "Attachment A" is a copy of the signed "Combined Declaration and Power of Attorney" of inventors James Libby and Kurt Heikkla ("Applicant #2 and #3"). The first page of this document identifies the present application by application number and filing date, and the last page of this document bears the signatures of the two inventors in question (and also names the third inventor, Russell Pylkki).

This Combined Dec/POA was one of two submitted in September 2002 (along with other papers) as part of a Response to Notice to File Missing Parts mailed March 7, 2002. A copy of the USPTO-stamped postcard evidencing receipt of the Response to Notice to File Missing Parts is attached as "Attachment B".

In view of the foregoing, it is respectfully submitted that the oath/declaration requirements have been met and that this objection should be withdrawn.

#### **Rejection under 35 USC 112, 1<sup>st</sup> ¶**

Applicants traverse the Examiner's assertion that the invention is not enabled.

In rejecting the claims on these grounds, the Examiner stated that "the specification does not (sic) clear support or detail how the speakers are disposed within or in the window." It is respectfully submitted, however, that one skilled the art would readily understand this. The specification, at page 4, line 14, states that "The speaker element 190 can be located on or in the

window 130, 135.” This is believed to be sufficient support for the claim language because devices which allow a window, display screen, glass pane of a picture, and the like, to act as a speaker are well-known in the prior art. Examples of such systems can be found in U.S. Patent Nos. 5,400,414, 6,332,029, 6,389,935, and WIPO Publication nos. WO 00/02417 and WO 00/35242. Furthermore, prior art references such as U.S. Patent Nos. 6,151,402 and 6,192,136<sup>1</sup> disclose vibration transducers that can create such effects, when coupled to a window or the like.

In view of the foregoing, it is submitted that the rejection under 35 USC 112, 1<sup>st</sup> ¶, should also be withdrawn.

Reconsideration of the application is requested. Claims 1-20 are believed to be in allowable form and define over the prior art. An early notice of allowance is requested so that the application may proceed to issue. Should the Examiner have any questions or comments regarding the foregoing Amendment and response, he is invited and urged to telephone the undersigned attorney.

The Commissioner is hereby authorized to charge any additional fees that may be required for the timely consideration of this Amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 09-0528.

Respectfully Submitted,

Date: \_\_\_\_\_

July 11, 2005

Nanda K. Alapati

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<sup>1</sup> All of the mentioned references are being submitted in an IDS, being filed concurrently herewith.

USSN 10/068,070  
Amendment in Response to May 20, 2005 Office Action

**ATTACHMENT A**

Attorney Docket No. 09340.0966US01

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SPECIALTY DISPLAY WINDOW**

The specification of which

a. ☐ is attached hereto

b. ☒ was filed on FEBRUARY 6, 2002 as application serial no. 10/068,070 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. Filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☒ no such applications have been filed.

b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

BEST AVAILABLE COPY

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Ali, M. Jeffery	Reg. No. 46,359	Leonard, Christopher J.	Reg. No. 41,940
Altara, Allan G.	Reg. No. 40,274	Liepa, Mara E.	Reg. No. 40,066
Anderson, Gregg L.	Reg. No. 28,828	Lindquist, Timothy A.	Reg. No. 40,701
Batzli, Brian H.	Reg. No. 32,960	McDonald, Daniel W.	Reg. No. 32,044
Beard, John L.	Reg. No. 27,612	McIntyre, Jr., William F.	Reg. No. 44,921
Bemis, John M.	Reg. No. 43,496	Mineller, Douglas P.	Reg. No. 30,300
Branch, John W.	Reg. No. 41,633	Nelson, Anna M.	Reg. No. 48,935
Brown, Jeffery C.	Reg. No. 41,643	Parsons, Nancy J.	Reg. No. 40,364
Bruess, Steven C.	Reg. No. 34,130	Pauly, Daniel M.	Reg. No. 40,123
Byrne, Linda M.	Reg. No. 32,404	Potomson, Kyle T.	Reg. No. 46,989
Campbell, Keith	Reg. No. 46,597	Phillips, John B.	Reg. No. 37,206
Carlson, Alan G.	Reg. No. 25,959	Pinn, Mark J.	Reg. No. 43,858
Casper, Philip P.	Reg. No. 33,227	Pytal, Melissa J.	Reg. No. 41,512
Clifford, John A.	Reg. No. 30,247	Qualcy, Tony	Reg. No. 25,148
Cook, Jeffrey	Reg. No. 48,649	Randall, Joshua N.	Reg. No. 50,719
Daignault, Ronald A.	Reg. No. 25,968	Reich, John C.	Reg. No. 37,703
Daley, Dennis R.	Reg. No. 34,994	Reiland, Earl D.	Reg. No. 25,767
Daulton, Julie R.	Reg. No. 36,414	Rieff, Damon A.	Reg. No. P-52,167
DeVries Smith, Katherine M.	Reg. No. 42,157	Schmalz, David G.	Reg. No. 39,828
DiPietro, Mark J.	Reg. No. 28,707	Schuman, Mark D.	Reg. No. 31,197
Doscotch, Matthew A.	Reg. No. 48,957	Schumann, Michael D.	Reg. No. 30,422
Edell, Robert T.	Reg. No. 20,187	Scull, Timothy B.	Reg. No. 42,137
Epy Ryan, Sandra	Reg. No. 39,667	Sehald, Gregory A.	Reg. No. 33,280
Fitzsimmons, Karen A.	Reg. No. 50,470	Safford, Wendy M.	Reg. No. P-52,205
Fransen, Ricky L.	Reg. No. 51,702	Skoog, Mark T.	Reg. No. 40,178
Gadiano, Christina M.	Reg. No. 37,628	Spellman, Steven J.	Reg. No. 45,124
Goff, Jared S.	Reg. No. 44,716	Stewart, Alan R.	Reg. No. 47,974
Goggia, Matthew J.	Reg. No. 44,125	Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Golla, Charles E.	Reg. No. 26,896	Sullivan, Timothy	Reg. No. 47,981
Gorman, Alan G.	Reg. No. 38,472	Summer, John P.	Reg. No. 29,114
Gould, John D.	Reg. No. 18,223	Swenson, Erik G.	Reg. No. 45,147
Gregson, Richard	Reg. No. 41,804	Tallickson, David K.	Reg. No. 32,314
Grosens, John J.	Reg. No. 33,112	Trembath, Jon R.	Reg. No. 38,344
Hamer, Samuel A.	Reg. No. 46,754	Tunheim, Marcia A.	Reg. No. 42,189
Hamre, Curtis B.	Reg. No. 29,165	Underhill, Albert L.	Reg. No. 27,403
Hennings, Mark	Reg. No. 48,982	Vandenburgh, J. Derek	Reg. No. 32,179
Hertzberg, Brett A.	Reg. No. 42,660	Vidovich, Kristin K.	Reg. No. 41,448
Hillson, Randall A.	Reg. No. 31,838	Wahl, John R.	Reg. No. 33,044
Holzer, Jr., Richard J.	Reg. No. 42,668	Weaver, Paul L.	Reg. No. 48,640
Hope, Leonard J.	Reg. No. 44,774	Welter, Paul A.	Reg. No. 20,890
Hornsby, III, Alton	Reg. No. 47,299	Whitaker, John E.	Reg. No. 42,222
Jardino, John S.	Reg. No. 48,835	Wiegand, Jamie	Reg. No. P-52,361
Johns, Nicholas P.	Reg. No. 48,995	Wier, David D.	Reg. No. 48,229
Johnston, Scott W.	Reg. No. 39,721	Williams, Douglas J.	Reg. No. 27,054
Kadievitch, Natalie D.	Reg. No. 34,196	Withers, James D.	Reg. No. 40,376
Kalinsky, Robert A.	Reg. No. 50,471	Wong, Bryan A.	Reg. No. 50,836
Kettelberger, Denise	Reg. No. 33,924	Wong, Thomas S.	Reg. No. 48,577
Keys, Jeramio J.	Reg. No. 42,724	Young, Thomas	Reg. No. 25,796
Knead, Homer L.	Reg. No. 21,197	Zulli, Anthony R.	Reg. No. 45,255
Korver, Joshua W.	Reg. No. P-51,894		
Kowalchuk, Alan W.	Reg. No. 31,535		
Kowalchuk, Katherine M.	Reg. No. 36,848		
Lamberty, Michael	Reg. No. 50,760		
Larson, James A.	Reg. No. 40,443		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903

**\*23552\***  
**23552**  
PATENT TRI-ANGULAR OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name PYLKKI	First Given Name RUSSELL	Second Given Name JOHN
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Signature of Inventor 201:			Date:	
3	Full Name Of Inventor	Family Name LIBBY	First Given Name JAMES	Second Given Name BRIAN
0	Residence & Citizenship	City STILLWATER	State or Foreign Country MINNESOTA	Country of Citizenship USA
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Signature of Inventor 202:			Date: 9/6/02	
2	Full Name Of Inventor	Family Name HEIKKILA	First Given Name KURT	Second Given Name E.
0	Residence & Citizenship	City MARINE ON THE ST. CROIX	State or Foreign Country MINNESOTA	Country of Citizenship USA
3	Mailing Address	Address 18347 ST. CROIX TRAIL NORTH	City MARINE ON THE ST. CROIX	State & Zip Code/Country MINNESOTA 55047/USA
Signature of Inventor 203:			Date: 9/6/02	

USSN 10/068,070  
Amendment in Response to May 20, 2005 Office Action

**ATTACHMENT B**



Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: PYLKKI ET AL.  
For: SPECIALTY DISPLAY WINDOW  
Docket No.: 9340.966US01  
Filed: FEBRUARY 6, 2002

Serial No.: 10/068,070  
Due Date: SEPTEMBER 7, 2002

(SATURDAY)

Express Mail No.: EV143556836US  
Date Mailed: September 9, 2002

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Notice to File Missing Parts of NonProvisional Application - Part 2
- ☒ 2 Signed Combined Declaration and Power of Attorneys
- ☒ Request for Extension of Time for four month(s) and fee of \$1440.00
- ☒ Check(s) in the amount of \$130.00 for Missing Parts Surcharge Fee
- ☒ Other: Request for Corrected Filing Receipt and Copy of Filing Receipt Showing Corrections in Red
- ☒ Return postcard

Patent

KDeVriesSmith:PSTpmc

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For: SPECIALTY DISPLAY WINDOW  
Docket No.: 9340.966US01  
Filed: FEBRUARY 6, 2002

Serial No.: 10/068,070  
Due Date: SEPTEMBER 7, 2002

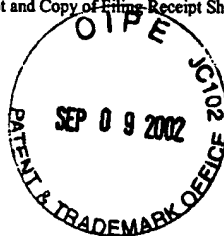
(SATURDAY)

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- ☒ Check(s) in the amount of \$130.00 for Missing Parts Surcharge Fee
- ☒ Other: Request for Corrected Filing Receipt and Copy of Filing Receipt Showing Corrections in Red
- ☒ Return postcard

Patent

KDeVriesSmith:PSTpmc



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